

**CALNET II RFP DGS-2053 Question and Answer Set #9a**  
**January 26, 2005**

**The questions and responses below are the last of the outstanding questions that were submitted prior to the Bidders Conference.**

**1. Introduction**

- 1-1. 1.2.3 Selecting the CALNET II Approach: As far as “significant amount of information” obtained in face-to-face meetings, please provide link to or soft copies of Customer Advisory Group (CAG) meeting minutes, dates, and names of agency attendees, as we believe they are public record.

**Answer: The Customer Advisory Group (CAG) meeting minutes, dates, and names of agency attendees are exempt from disclosure pursuant to the deliberative process privilege under Government Code section 6255. The privilege applies under these circumstances because the meetings were by invitation only, closed to the public, and all attendees were required to sign confidentiality statements in advance of their participation. The disclosure of these documents would jeopardize or interfere with the decision making process in such a way as to discourage candid discussion and free flow of information between CALNET customers and the DGS. Without the free exchange of information, DGS' ability to perform its functions and provide services to other agencies would be hampered.**

**Under the statutorily required balancing test, the State has determined that the public interest in withholding the information in question outweighs the public interest in disclosure of this information. Withholding the information enables the DGS to obtain valuable customer feedback in this and future procurement efforts. Disclosure of the information requested could undermine the DGS's ability to conduct such meetings in the future, could subject participating public employees to unsought publicity and misinterpretation of their comments, and could cause public misunderstanding and distrust of the rationales underlying the DGS's procurement and policymaking decisions.**

**6. Business and Technical Requirements**

- 6-1. Sections 6.2.1.1 & 6.2.1.2 require certification for local services and long distance services. Yet of both certifications, only the CPUC certification for local services (6.2.1.1) is required as a Pre-qualifying document in Section 8.3.1.d. Why are both certifications required, yet only one of the two required as a pre-qualifying document? By making this a requirement in a sole-source contract for all communications services, the State is basically making the dominant incumbent LEC the favored contractor not only in non-competitive

legacy local services, but the favored contractor in all services, regardless of their level of service expertise or development. Most communication services that will be offered to the State as part of this acquisition don't fall under the regulation of the CPUC, so why are local voice services and this CPUC certification requirement driving the entire RFP? Additionally, Voice over IP (VoIP) local services do not fall under the jurisdiction of the CPUC, but as an interstate service under the FCC.

**Answer: For pre-qualification purposes, bidders are required to provide evidence of local service certification by the CPUC. See RFP Section 8.3.1.d). If a bidder is not yet certified, they should provide evidence that they expect to be certified by the time that Final Proposals are due, such as providing pertinent copies of their documents to the CPUC in which they are requesting certification.**

**For the purposes of the pre-qualifying submittal only, DGS is only requiring evidence of the local service certification, not long distance. This is because DGS recognizes that it is relatively easy for certified local providers to arrange for the services of long distance carriers, and therefore it is not necessary for pre-qualification. It is not a requirement of the RFP that the prime bidder be certified for long distance voice service as long as its proposed subcontractor(s) are so certified. Certification is a legal requirement to provide voice services in California, and is therefore a requirement of the RFP. The specific language in 6.2.1.2 will be corrected in a future addendum to reflect the content of this question.**

**Regarding Voice over IP as a local service, the RFP has positioned it in RFP Section 6.8 as an Alternate Technology with an expectation of controlled and limited deployment.**

- 6-2. 6.3.1 Voice Network Design: Many of the items being requested are considered proprietary, confidential, intellectual property, and/or company trade secret. How does the State plan to honor the confidentiality of this information?

**Answer: As described in RFP Section 2.2.2.e, the State holds all proposals in the strictest confidence until the Notice of Intent to Award is published. When the Notice of Intent to Award is published, final proposals become public except for financial information identified as "Confidential".**

- 6-3. 6.5.2/6.7.2 Security: Reference: "The State expects stringent security standards, based upon the transmission of confidential or sensitive data." Will DGS/TD provide their Information Technology Information Assurance & Security Policy as a reference to establish baseline security requirements and as a basis for verification and validation of meeting the expected, stringent security standards of the proposed solution?

**Answer: Current State security policies pertain to State owned and managed systems. The State will further define the CALNET II security requirements in a future addendum. For the purposes of the Conceptual Proposal, the State expects the bidder's security plan to describe high-level concepts that will facilitate further dialog during the Confidential Discussions. It is the State's intent that the granularity of detail for the Conceptual Proposal will be less than what is expected for the Draft and Final Proposals.**

- 6-4. 6.5.2/6.7.2 Security: Reference: "The State expects stringent security standards, based upon the transmission of confidential or sensitive data." Will DGS/TD provide their personnel security policy pertaining to citizenship requirements that may have access to CALNET II data or backend information systems?

**Answer: DGS/TD does not have a specific security policy pertaining to citizenship requirements for access to CALNET II data. However, the State's human resources policy on citizenship for State employees can be found at <http://www.documents.dgs.ca.gov/ohr/pom/Citizenship.pdf>.**

- 6-5. 6.6.1 WAN Backbone Design: Detailed network information will require Non-Disclosure/Confidentiality for security and competitive reasons. Can the state comply?

**Answer: The State will not enter into Non-Disclosure/Confidentiality Agreements for competitive reasons. However, the State would consider entering into Non-Disclosure/Confidentiality Agreements for security reasons, subject to DGS Office of Legal Services review and approval of any nondisclosure/confidentiality agreement before execution by the State. The State continues to examine the issue of confidentiality and new conclusions may be addressed in a future addendum.**

- 6-6. 6.6.1 WAN Backbone Design: Many of the items being requested (e.g., drawings that include both topology and logical representations of all critical network backbone elements) are considered proprietary, confidential, intellectual property, and/or company trade secret. How does the State plan to honor the confidentiality of this information?

**Answer: Please see response to question 6-2 above.**

- 6-7. 6.7.2, Security: Disclosure of security plan will require Non-Disclosure/Confidentiality [Agreements] for security and competitive reasons. Can the state comply?

**Answer: Please see response to question 6-5 above.**

## **8. Proposal Format**

- 8-1. 8.3.1d (Page 4) Pre-Qualifying Documentation Question: Sections 6.2.1.1 & 6.2.1.2 require certification for local services and long distance services. Yet of both certifications, only the CPUC certification for local services (6.2.1.1)

is required as a Pre-qualifying document in Section 8.3.1.d. Why are both certifications required, yet only one of the two required as a pre-qualifying document?

**Answer: See response to 6-1 above.**

**12. Appendix B – Model Contract**

12-1. Appendix B, Section, Section 17, Insurance: Will the State accept a Certificate of Self Insurance from the Contractor?

**Answer: A Certificate of Self Insurance from the Contractor may be accepted where information submitted by the Bidder is sufficient to satisfy the State as to the Bidder's financial responsibility; see RFP 1.8.**